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Inst 421

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Research Prospectus- II

Title: My Religion, My Choice. My Body, My Choice?

Question: "How has religious freedom played a role in the development of women's reproductive rights?"

Question and Background

The United States and France are similar countries in many ways. Both countries underwent a revolution in the 1700s, both countries have been ruled by a written constitution for centuries, and both countries were founded on the ideals of religious freedom. For the United States, this meant religious freedom from the British Monarchy and the Church of England to which it was tied. For France, this meant religious freedom from the French Monarchy that was tied to the Catholic Church. The French term "laïcité" is the best translated to the English term "religious freedom" or "secularism" in the French mindset, laïcité is about defining the proper relationship between religion and the state.¹ In France, the idea of laïcité has even led to a consistent and controversial argument concerning citizens' rights to wear "ostentatious" religious symbols; allowing a Muslim woman the right to wear a hijab is infringing on the separation of church and state within France.

¹T. Jeremy Gunn, "Religious Freedom and Laicite: A Comparison of the United States and France," *Brigham Young University Law Review*.

In basic terms, I believe that while both France and the United States have a doctrine of religious freedom written explicitly into their constitutions, the application of this religious freedom is not the same in the two countries. The premise of my research question is that the two countries are inherently different in their application of religious freedom and in citizens' attitude toward religious freedom and its role in government, and this difference in application can be evaluated while looking at the current state of women's reproductive rights in France and the United States.

As of 1967, the Neuwirth law was passed which authorized the sale and use of contraception methods in France. Abortion was then legalized in 1975 in France, and as of 2015, abortion is reimbursed for all women in France, including minors. A woman can have an abortion within the first 12 weeks of pregnancy, and after those 12 weeks, two physicians can still confirm that an abortion is needed to prevent serious risk to the woman's health or because there is a risk to the fetus. There is no ongoing debate evident in the political climate in France, and in fact, as recently as 2013, laws were being liberalized in order to provide more support for French women when it came to their reproductive options.²

Defining women's reproductive rights laws for the United States is much more difficult, as the various laws differ from state-to-state due to our federal system. On January 22, 1973 the United States Supreme Court voted to affirm that access to safe and legal abortion is a constitutional right in the *Roe v. Wade* decision. The Supreme Court did not, however, outline all instances of legal abortions or detail a woman's right to receive legal contraception. Due to the vagueness of the Supreme Court decision, reproductive rights have been increasingly liberal

² Breslaw, Anna. "Face-Palm, America." *Cosmopolitan*. 8 April 2013.

in some states, while increasingly restrictive in others.³ Preliminary findings thus far provided by the Guttmacher Institute show that since 2010/2011, there has been a significant increase in the amount of legislation in the United States regarding women’s reproductive rights, specifically restrictions on abortion. In France, there has not been such an uptick in laws concerning abortion restrictions or other restrictions on women’s reproductive rights. So, what is driving this difference in policy?

I plan to evaluate primary data provided by the Pew Research Center that compares the two countries on their religiosity, attitude toward religious involvement in government, and attitude toward women’s reproductive rights, in order to understand the role of religion and its influence in the current policies in the two countries.

Framework and Literature Review

Jeremy Gunn, in his research on France and the United States and their interpretations of laïcité highlights the idea that in France, religion was seen as tied directly to the ancient regime. So for the French citizens, following the French Revolution, laïcité was enacted as an almost “hostile” response to religion; laïcité was the protection **for** the French citizens **from** religion, and almost inherently, the Catholic Church. Gunn also points out the main myth of the United States, that our country was founded on religious freedom for all religions. Gunn highlights the Mayflower Compact and its writings that in fact punished any believers that did not believe in “our God, LORD GOD.” In essence, freedom of religion in the United States can sometimes be seen as “hostile” toward non-believers. Much has been explored concerning France and the United States and their difference in application of religious freedoms, however, I have not found

³ “Differences in Teenage Pregnancy Rates Among Five Developed Countries: The Roles of Sexual Activity and Contraceptive Use.” *Guttmacher Data Center*. Vol. 33, Issue 6. (Nov/Dec: 2001.)

any research which connects this idea of religious freedom to the differing laws concerning women's reproduction.

To begin, it is important to understand that women's reproductive rights are difficult to define. According to the UN Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women (CEDAW), "women's right to health includes their sexual and reproductive health." CEDAW (article 16) guarantees women equal rights in deciding "freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights." CEDAW (article 10) also specifies that women's right to education includes "access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning. This means that States have obligations to respect, protect and fulfill rights related to women's sexual and reproductive health. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health maintains that women are entitled to reproductive health care services, goods and facilities that are: (a) available in adequate numbers; (b) accessible physically and economically; (c) accessible without discrimination; and (d) of good quality."⁴

While the UN has attempted to provide an overarching definition of women's rights, including their reproductive health, the existing theories within the realm of feminism have differing ideas as to the best way to approach women's reproductive rights. According to Lisa Brown, formal equality theorists argue that equalization with men, regardless of gender, best serves women's rights. Liberal feminists expand upon this idea, adding the emphasis of personal

⁴UN. "Sexual and Reproductive Health and Rights." *United Nations Human Rights Office of the High Commissioner*.

autonomy and privacy of women within the area of reproductive rights. Finally, relational feminism differentiates between men and women, and argue that because women and men approach the world differently, women should be given a greater allocation of reproductive rights based on her experiences as a woman. I am interested to explore this distinction between the three existing feminist theories, and explore as a secondary component whether one theory has prevailed either in the United States or France and also led to the differences we observe in the respective countries reproductive rights.

Methodology

To begin, I plan to explore these questions by combining both quantitative and qualitative approaches in an effort to better understand the potential impact of religion on women's reproductive rights, and how this impacted differs in the United States and France. To begin, I will perform a cross national analysis between several western European countries, as well as the United States. This cross national analysis will try to gather data that looks at the impact of laïcité and religiosity on government laws related to abortion, attitudes toward abortion, as well as abortion rates in the respective countries. This data will be compiled from both the Pew Research Center regarding attitudinal data as well as the Guttmacher Institute regarding the abortion index and abortion rates for each country. This cross national analysis will provide the opportunity to understand how countries beyond the United States and France think about abortion, in order to recognize the specific markers that indicate differences between the United States and France. This analysis will serve as an initial test of the impact of both religiosity and attitudes toward secularism on abortion rights and attitudes among western democracies.

Next, I will pull out the United States and France in order to make a comparative analysis between the two countries and will utilize country-specific data provided by Pew in order to see

if there are differences in the two countries and how these attitudes toward religion impact the attitudes toward abortion. Finally, I will continue with a further analysis between the United States and France by attempting to find regional specific data for each country regarding religiosity and attitudes toward abortion to hopefully find variation within either one or both countries that would indicate my hypothesis that religion and people's attitude toward religion impact their attitude toward their support, or lack of support, for more liberal women's reproductive rights.

I believe that the distinction between the two countries will be most powerful when comparing a state such as Mississippi, in which the average citizen tends to be more religious than the national average, and a distinctly religious region of France, a region where the Catholic Church had more of a stronghold for much of France's history. I believe I will be able to show that while in France and the United States the percentage of each population that identifies as religious is fairly similar, the percentage that considers religion important in their life is significantly different. France and the United States also do have distinct differences in their reproductive rights law, which I believe stems from the ways in which the French apply their religious principles to their politics, in comparison to citizens in the United States.

Other Possible Explanations

Like all research questions, in addition to the role of religiosity and laïcité, there are other plausible explanations that help to explain cross national variation in abortion rights and attitudes. I will focus on ideology and attitudes toward women's rights.

Bibliography

Breslaw, Anna. "Face-Palm, America." *Cosmopolitan*. 8 April 2013.

<https://www.cosmopolitan.com/sex-love/news/a12350/france-abortion-contraceptive-coverage>>

Brown, Lisa McLennan. "Feminist Theory and the Erosion of Women's Reproductive Rights:

The Implications of Fetal Personhood Laws and In Vitro Fertilization." *American University Journal of Gender, Social Policy & the Law*. 13, no. 1 (2005): 87-107.

Accessed 05 September 2019.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1285&context=jgsp>>

Decherf, Dominique. "French Views of Religious Freedom." *Brookings Institute*. 1 July 2001.

<https://www.brookings.edu/articles/french-views-of-religious-freedom/>>

"Differences in Teenage Pregnancy Rates Among Five Developed Countries: The Roles of Sexual Activity and Contraceptive Use." *Guttmacher Data Center*. Vol. 33, Issue 6.

(Nov/Dec: 2001.) <https://www.guttmacher.org/journals/psrh/2001/11/differences-teenage-pregnancy-rates-among-five-developed-countries-roles>>

Evans, Jonathan and Chris Baronavski. "How do European Countries differ in Religious Commitment?" *Pew Research Center*. 5 December 2018. <

<https://www.pewresearch.org/fact-tank/2018/12/05/how-do-european-countries-differ-in-religious-commitment/>

“Laws Affecting Reproductive Health and Rights: State Policy Trends at Midyear, 2018.” *Guttmacher Data Center*. Accessed 20 August 2019.

<data.guttmacher.org/countries>

Hochmann, Thomas. “Le christ, le père Noël et la laïcité, en France et aux États-Unis.” *Nouveaux cahiers du Conseil constitutionnel*. (2016): 53-61. [hal-01632362](https://hal.archives-ouvertes.fr/hal-01632362)

Kulczycki, Andrzej, “Ethics, Ideology, and Reproductive Health Policy in the United States.” *Studies in Family Planning, Ethical Issues in Reproductive Health*. Vol. 38, No. 4 (Dec., 2007): 333-351. Accessed 08 September 2019. <[https://www.jstor-org.umiss.idm.oclc.org/stable/20454428](https://www.jstor.org.umiss.idm.oclc.org/stable/20454428)>

Lyon, D. & Spini, D. “Unveiling the Headscarf Debate.” *Feminist Legal Studies*. (2004) 12: 333. <<https://doi.org/10.1007/s10691-004-4991-4>>

Medoff, Marshall H. “Unintended Pregnancies, Restrictive Abortion Laws, and Abortion Demand.” *ISRN Economics*, vol. 2012, (2012): 1-8. Accessed 30 August 2019. <<https://www.hindawi.com/journals/isrn/2012/612081/>>

“Rights and Results: A Reproductive Health Index.” *PAI*. 28 May 2015. <<https://pai.org/reports/rights-results-reproductive-health-index/>>

Scott, Joan Wallach. *Sex and Secularism*. Princeton University Press, 2018.

Schaff, Philip. “The Development of Religious Freedom.” *The North American Review* 138, no. 329 (1884): 349-61. <http://www.jstor.org/stable/25118372>.

T. Jeremy Gunn, “Religious Freedom and Laicity: A Comparison of the United States and France,” *Brigham Young University Law Review*. No. 2 (Summer 2004): 419-506.

UN. "Sexual and Reproductive Health and Rights." *United Nations Human Rights Office of the High Commissioner*.

<https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HealthRights.aspx>

"US Becoming Less Religious." *Pew Research Center*. 3 November 2015. <

<<https://www.pewforum.org/2015/11/03/u-s-public-becoming-less-religious/>>

"World Contraceptive Data, 2015 Report." World Health Organization.

<https://www.who.int/reproductivehealth/topics/family_planning/contraceptive_prevalence/en/>

Willaime, Jean Paul. "The Cultural Turn in the Sociology of Religion in France." *The Sociology of Religion, Culture and Constraint in the Sociology of Religion*. Vol. 65, No. 4 (2004):

373-389. Accessed 08 September 2019. <[https://www-jstor-](https://www-jstor-org.umiss.idm.oclc.org/stable/3712320?Search=yes&resultItemClick=true&searchText=l)

https://www-jstor-org.umiss.idm.oclc.org/stable/3712320?Search=yes&resultItemClick=true&searchText=laicite&searchText=in&searchText=France&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dlaicite%2Bin%2BFrance%2B%26amp%3Bacc%3Don%26amp%3Bwc%3Don%26amp%3Bfc%3Doff%26amp%3Bgroup%3Dnone&ab_segments=0%2F12b_100k_with_tbsub%2Ftest&refreqid=search%3Ab85a2d8df45cce88bb75dcc2d575dad4&seq=6#metadata_info_tab_contents>

